

111TH CONGRESS
1ST SESSION

S. 2904

To amend title 10, United States Code, to require emergency contraception to be available at all military health care treatment facilities.

IN THE SENATE OF THE UNITED STATES

DECEMBER 17, 2009

Mr. FRANKEN (for himself, Ms. SNOWE, Mr. KERRY, Mr. LAUTENBERG, Mr. FEINGOLD, Mr. MENENDEZ, Mr. DURBIN, Mrs. GILLIBRAND, Mrs. FEINSTEIN, Mrs. BOXER, Mrs. McCASKILL, Mr. HARKIN, and Mr. SCHUMER) introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL

To amend title 10, United States Code, to require emergency contraception to be available at all military health care treatment facilities.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Compassionate Care
5 for Servicewomen Act”.

1 **SEC. 2. REQUIREMENT TO MAKE AVAILABLE EMERGENCY**
2 **CONTRACEPTION AT ALL MILITARY HEALTH**
3 **CARE TREATMENT FACILITIES.**

4 Section 1074g(a) of title 10, United States Code, is
5 amended by adding at the end the following new para-
6 graph:

7 “(9)(A) Emergency contraception in drug form shall
8 be included on the basic core formulary of the uniform
9 formulary, notwithstanding any provision of law or regula-
10 tion requiring that only drugs ordered or prescribed by
11 a physician (or other authorized provider) may be included
12 in the uniform formulary. Emergency contraception in
13 other than drug form may also be included on the basic
14 core formulary, notwithstanding any such provision.

15 “(B) Nothing in subparagraph (A) may be construed
16 to require emergency contraception to be covered under
17 the pharmacy benefits program.

18 “(C) Notwithstanding paragraph (4), prior author-
19 ization shall not be required for emergency contraception.
20 Nothing in the preceding sentence may be construed as
21 waiving any provision of the Federal Food, Drug, and Cos-
22 metic Act (21 U.S.C. 301 et seq.) or any other provision
23 of law administered by the Food and Drug Administra-
24 tion, including rules and orders of such Administration in
25 effect at any time under such Act or other provisions of
26 law.

1 “(D) In this paragraph, the term ‘emergency contra-
2 ception’ means a drug, drug regimen, or device that is—

3 “(i) approved by the Food and Drug Adminis-
4 tration to prevent pregnancy; and

5 “(ii) used postcoitally.”.

